



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Nineteenth Meeting Day

Tuesday Afternoon

February 14, 2006

The Senate convened at 1:34 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 183: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

Report adopted.

KENLEY, Chair

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1065, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

Senator Garton yielded the gavel to Senator Dillon.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "and before January 1, 2006,".

Page 2, line 15, delete "and for taxable years beginning after" and insert ";".

Page 2, delete lines 16 through 19.

Page 2, line 20, delete "the Internal Revenue Code);".

(Reference is to HB 1327 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper:

(1) that:

(1) (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(2) (B) has been published for at least three (3) consecutive years in the same city or town;

(3) (C) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and

(4) (D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; or

(2) that:

(A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;

(C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(D) meets the greater of the following conditions:

(i) The newspaper's highest monthly paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for that same month for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) during at least one (1) month during the preceding year."

Delete page 2.

Page 3, delete lines 1 through 8.

Page 4, line 29, delete "that is any of the" and insert **"for which notice is required to be given by publication in accordance with this chapter, a city or town must publish the required notice one (1) time at least ten (10) days before the event or action."**

Page 4, delete lines 30 through 42.

Page 5, delete lines 1 through 2.

Page 5, line 22, after "time." insert **"If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county auditor's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision."**

Page 11, line 3, delete "two (2) times" and insert **"one (1) time"**.

Page 11, line 4, delete ", at least one (1) week apart, with the second".

Page 11, line 5, delete "publication made".

Page 11, line 5, delete "seven (7)" and insert **"ten (10)"**.

Page 11, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana; and

(2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

(1) identify the personal property eligible for the deduction to the county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e)."

Page 11, line 34, delete "two (2) times" and insert **"one (1) time"**.

Page 11, line 34, delete ", at least one (1) week apart, with".

Page 11, line 35, delete "the second publication made".

Page 11, line 35, delete "seven (7)" and insert **"ten (10)"**.

Page 14, line 7, after "(j)" delete ",."

Page 14, line 7, before "(k)," reset in roman "and".

Page 14, line 7, delete "and (l),".

Page 15, line 4, strike "make".

Page 15, line 4, after "reductions" insert **"consider"**.

Page 15, line 6, after "subsection" delete ",."

Page 15, line 9, after "fund." insert **"and shall deliver a final decision to the political subdivision."**

Page 16, delete lines 29 through 39.

Page 17, line 7, delete "published two (2) times under" and insert **"given once in accordance with IC 5-3-1-2(n)."**

Page 17, delete lines 8 through 10.

Page 17, reset in roman lines 11 through 42.

Page 18, reset in roman lines 1 through 19.

Page 18, delete lines 20 through 42.

Page 19, delete lines 1 through 4.

Page 19, line 29, delete "Except as provided in subsection (g), the" and insert "The".

Page 20, delete lines 17 through 42.

Delete pages 21 through 22.

Page 23, delete lines 1 through 38.

Page 24, line 3, delete "seven" and insert "**ten (10)**".

Page 24, line 4, delete "(7)".

Page 24, delete lines 22 through 42.

Page 25, delete lines 1 through 29.

Page 26, line 24, delete "seven (7)" and insert "**ten (10)**".

Page 26, delete lines 36 through 42.

Delete page 27.

Page 28, delete lines 1 through 37.

Page 34, delete lines 4 through 42.

Delete pages 35 through 36.

Page 37, delete lines 1 through 20.

Page 38, delete lines 29 through 42.

Page 39, delete lines 1 through 19.

Page 43, line 35, after "made" delete ":".

Page 43, line 36, delete "(A)".

Page 43, run in lines 35 through 36.

Page 43, line 38, delete "; or" and insert ", **and be published one (1) time at least ten (10) days before the date by which proposals must be received, in the case of a governing body of a city or town;** and".

Page 43, delete lines 39 through 41.

Page 44, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 43. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records ~~produced by a photographic process~~, and two dollars (\$2) per page that is larger than eight and one-half (8 1/2)

inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(f) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(g) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes."

Page 45, delete lines 3 through 39.

Page 46, line 5, delete "two (2) times" and insert "**once**".

Page 46, line 5, delete "at least one (1) week apart,".

Page 46, line 6, delete "second".

Page 46, line 6, delete "seven (7)" and insert "**ten (10)**".

Page 46, line 23, strike "not".

Page 46, line 23, after "increased" insert "**or decreased by the executive**".

Page 46, line 24, after "fixed" delete "," and insert ".".

Page 46, line 24, strike "but may be reduced by the".

Page 46, line 25, strike "executive".

Page 46, delete lines 37 through 42.

Delete page 47.

Page 48, delete lines 1 through 38.

Page 50, delete lines 4 through 42.

Delete page 51.

Page 52, delete lines 1 through 18.

Page 53, line 8, delete "Twenty-seven (27)" and insert "**A majority of the**".

Page 53, line 15, delete "twenty-seven (27)" and insert "**a majority of the**".

Page 61, delete lines 22 through 42.

Page 62, delete lines 1 through 30, begin a new paragraph and insert:

"SECTION 62. IC 36-9-30-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ~~thirty (30)~~ **ten (10)** days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease."

Page 62, delete lines 37 through 38, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "board" means the following:

(1) A board described in IC 36-9-23-5.

(2) A board described in IC 36-9-25-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1017, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 4, delete "(2)" and insert "**(1)**".

Page 10, delete lines 10 through 21, begin a new line blocked left and insert:

"the county executive must ~~(1)~~ have the real property appraised at its true cash value by at least: ~~three (3)~~

(1) one (1) disinterested freeholders freeholder of the county; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana. One (1) of the appraisers described in subdivision (2) must reside not more than fifty (50) miles from the property. The county executive may not pay more than the

appraised value for any real property and interests in real property."

Page 14, line 37, delete "ADDED" and insert "AMENDED".

Page 14, line 37, delete "P.L.1-2005," and insert "HEA 1134-2006,".

Page 14, line 38, delete "7," and insert "97,".

Page 15, line 12, delete "have accrued" and insert "accrue".

Page 15, line 19, delete "township;" and insert "town;".

Page 15, line 20, delete "town;" and insert "city;".

Page 15, line 21, delete "city;" and insert "township;".

Page 16, line 10, delete "special school" and insert "capital projects".

Page 16, line 10, after "corporation" insert "or other fund".

Page 16, line 11, before "fund" delete "capital outlay".

Page 16, line 11, delete "shall be" and insert "is".

Page 16, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 15. IC 20-47-2-15, AS ADDED BY HEA 1134-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation that proposes to lease such a school building, either alone or jointly with another school corporation, and owns the land on which it desires that the building or buildings be erected may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

(1) Before the sale may take place, the governing body of the school corporation must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of: ~~three (3)~~

(A) one (1) disinterested freeholders freeholder of the school corporation as **an appraiser; and**

(B) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana to determine the fair market value of the land. One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.

(2) Upon their appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after their appointment.

(3) The school corporation may sell the land to the lessor corporation for an amount not less than the amount fixed as the fair market value by the three (3) appraisers, which shall be paid in cash upon delivery of the deed by the school corporation to the lessor corporation. However, if the land was acquired by the school corporation within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation for the land.

SECTION 16. IC 20-47-3-13, AS ADDED BY HEA 1134-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation that proposes to lease a school building, either alone or

jointly with another school corporation, and owns the land on which it desires to be erected the building or buildings may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

(1) Before the sale may take place, the governing body of the school corporation must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of: ~~three (3)~~

(A) **one (1) disinterested freeholders freeholder** of the school corporation as **appraisers an appraiser; and**

(B) **two (2) disinterested appraisers licensed under IC 25-34.1;**

who are residents of Indiana to determine the fair market value of the land. **One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.**

(2) Upon appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after the appointment.

(3) The school corporation may sell the land to the lessor corporation for an amount not less than the amount fixed by the three (3) appraisers as the fair market value, which shall be paid in cash upon delivery of the deed by the school corporation to the lessor corporation. However, if the land was acquired by the school corporation within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation for the land."

Page 17, delete lines 1 through 41.

Page 20, line 21, delete "subdivision (2)" and insert **"this subsection"**.

Page 22, line 10, delete "IC 25-34-1;" and insert **"IC 25-34.1;"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1017 as reprinted January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1124, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 22, after "board" insert **", after review by the budget committee,"**.

(Reference is to HB 1124 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1025, has had the

same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 37, delete ", 2014," and insert **"2012,"**.

Page 3, line 40, after "exceed" insert **":"**.

Page 3, delete lines 41 through 42, begin a new line block indented and insert:

"(1) five percent (5%) before July 1, 2007; 2012; and

(2) four percent (4%) after June 30, 2007; 2012."

Page 4, after line 31, begin a new paragraph and insert:

"SECTION 3. IC 6-9-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If the tax is imposed by a municipality under this chapter, the tax terminates January 1, 2007; 2012.

(b) This chapter expires July 1, 2007; 2012."

(Reference is to HB 1025 as reprinted February 2, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Engrossed House Bill 1011, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-49.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

(b) This section expires December 31, 2009."

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 4. IC 3-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Standards for Challenges to Voters

Sec. 1. This chapter applies to a challenge to a voter made by a precinct election officer, a watcher, a challenger, or a pollbook holder under this title.

Sec. 2. A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

(1) enrollment in an educational institution; or

(2) registration to vote at an address that is housing provided for students by the educational institution.

Sec. 3. Except as permitted in a primary election under IC 3-10-1, a person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

(1) actual or perceived affiliation with a political party; or

(2) support or opposition to a candidate or the adoption of a public question.

Sec. 4. If a county election board determines that a person has violated a provision of this chapter, the board may remove a precinct election officer from office or void the credentials of a watcher, challenger, or pollbook holder.

Sec. 5. If a county election board determines that a person has knowingly violated a provision of this chapter, the county election board may refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter).

SECTION 5. IC 3-5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a)~~ A person does not gain residency in a precinct into which the person moves for:

- (1) temporary employment;
- (2) educational purposes; or
- (3) other purposes;

without the intent of making a permanent home in the precinct.

~~(b) Notwithstanding subsection (a), a precinct election officer, a watcher, a challenger, or a pollbook holder may not challenge the right of an individual to vote in the precinct solely on the basis of the individual's:~~

- ~~(1) enrollment in an educational institution; or~~
- ~~(2) registration to vote at an address which is housing provided for students by the educational institution.~~

~~(c) A county election board may:~~

- ~~(1) remove a precinct election officer or void the credentials of a watcher, challenger, or pollbook holder; or~~
- ~~(2) refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter);~~

if the board determines that the officer, watcher, challenger, or pollbook holder has violated subsection ~~(b)~~:

Page 5, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 13. IC 3-7-26.3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 4.5. The state may enter into agreements with a county to use existing county property for purposes of maintaining the computerized list. If the county's equipment fails to perform properly in maintaining the computerized list, the state may cancel any existing agreement with the county and install additional state owned equipment in any county facility to ensure proper operation and maintenance of the computerized list.**"

Page 10, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 28. IC 3-7-33-5, AS AMENDED BY P.L.81-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) **Except as provided under subsection (f)**, the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(D) The voter's voter identification number.

(4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(f) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

- (1) is not returned by the United States Postal Service and received by the county voter registration office at; **or**
- (2) **is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;**

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(g) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) **the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f); and**
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; **and**

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot."

Page 14, between lines 3 and 4, begin a new paragraph and insert: "SECTION 37. IC 3-7-39-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a voter who changes residence from a precinct in a county to another precinct in the same county.

(b) As required under 42 U.S.C. 1973gg-6(f), the ~~circuit court clerk or board of county voter registration office:~~

(1) shall correct the address shown on the voter registration records for a voter subject to this section; and

(2) may not remove the voter from the voter registration records due to a change of address, except as provided in ~~IC 3-7-44:~~ **this title.**

(c) A voter described in this section, who is otherwise eligible to vote, may vote as provided in IC 3-10-11 or IC 3-10-12."

Page 20, between lines 7 and 8, begin a new paragraph and insert: "SECTION 55. IC 3-7-48-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. If a voter makes an oral or a written affirmation under section 5 or 7 of this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.**

SECTION 56. IC 3-8-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.**

(b) A:

(1) declaration of intent to be a write-in candidate; or

(2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon seventy-four (74) days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon seventy-one (71) days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election. The county election board shall determine all questions regarding

the validity of the declaration not later than noon fifty-four (54) days before the date of the primary election.

SECTION 57. IC 3-8-2-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) **This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.** A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

SECTION 58. IC 3-8-2-4, AS AMENDED BY P.L.230-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A declaration of intent to be a write-in candidate must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

(1) candidacy may be filed for an office that will appear on the primary election ballot; or

(2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count."

Page 20, line 9, delete "[EFFECTIVE".

Page 20, line 10, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 22, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 62. IC 3-9-5-6, AS AMENDED BY P.L.221-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This subsection applies to a candidate's committee other than a candidate's committee of a candidate for a state office. Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general, municipal, or special election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
- (2) Twenty-five (25) days before a general election conducted in an even-numbered year.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

- (1) A report covering the period from January 1 through March 31 of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.
- (2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.
- (3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.
- (4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.
- (5) A report covering the period from the date that is ~~fifteen (15)~~ **fourteen (14)** days before the date of the election through

December 31 of the year of the report. A report required by this subdivision must:

- (A) provide cumulative totals from January 1 through December 31 of the year of the report; and
- (B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 63. IC 3-9-5-8, AS AMENDED BY P.L.221-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section:

- (1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and
- (2) does not apply to a candidate for nomination to a state office by a ~~major~~ political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention."

Page 23, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 67. IC 3-10-1-7.2, AS ADDED BY P.L.109-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or ~~IC 3-11-8-22~~, **IC 3-11-8-22.1**, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election."

Page 27, line 19, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 27, line 31, strike "IC 3-11-8-22," and insert "**IC 3-11-8-22.1**,".

Page 27, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 74. IC 3-10-1-33, AS AMENDED BY P.L.221-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county election board shall also make an additional duplicate showing the votes cast for each candidate required to file a declaration of candidacy with the election division under IC 3-8-2.

(b) The circuit court clerk shall, not later than noon on the second Monday following the primary election, send to the election division by certified mail or hand deliver to the election division one (1) complete copy of all returns for these candidates.

(c) **The circuit court clerk may send the document described in subsection (b) using the computerized list established under IC 3-7-26.3. A document sent under this subsection complies with any requirement for the document to be certified or sealed."**

Page 28, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 77. IC 3-10-10-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. If a voter executes an affidavit under this chapter and is then challenged under IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

SECTION 78. IC 3-10-11-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. If a voter executes an affidavit under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7."**

Page 29, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 81. IC 3-10-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a voter makes an oral or a written affirmation under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The oral or written affirmation made under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

SECTION 82. IC 3-11-1.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A county executive must submit a proposed precinct establishment order to the co-directors before the county executive establishes a precinct under this chapter.

(b) **To ensure sufficient time for review to determine whether a proposed precinct establishment order complies with this chapter, the co-directors may fix a date and time by which a county executive must submit an order under section 15 of this chapter if the county wishes to have the proposed order take effect before the beginning of the next period specified under section 25 of this chapter. The election division shall notify each county election board of the date fixed under this subsection at**

least ninety (90) days before the date occurs.

(c) **If a county submits an order after the date and time fixed under subsection (b), the co-directors may review the order only after completing the review of orders submitted in compliance with subsection (b).**

(d) **This subsection applies to an order submitted after the date and time fixed under subsection (b). If the co-directors are unable to determine whether a proposed order complies with this chapter before the beginning of the next period specified under section 25 of this chapter, the co-directors shall complete the review so that, if the proposed order is otherwise approved under this chapter, the order may take effect following the end of the next period specified under section 25 of this chapter.**

SECTION 83. IC 3-11-1.5-18, AS AMENDED BY P.L.221-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If the election division determines that the proposed precinct establishment order would comply with this chapter, the election division shall issue an order authorizing the county executive to establish the proposed precincts.

(b) The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

- (1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.
- (2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.
- (3) The mailing address of the election division.
- (4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

(g) **If the co-directors determine that the expiration of the ten (10) day period described in subsection (d) will occur:**

- (1) **after the next period specified under section 25 of this chapter begins; or**
- (2) **without sufficient time for a county or an objector to receive notice of a hearing before the commission concerning an objection before the next period specified under section 25 of this chapter begins;**

the co-directors may request a hearing before the commission under section 21 of this chapter and notify the county executive of the request.

SECTION 84. IC 3-11-1.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the co-directors and request a hearing before the commission.

(b) The co-directors may request a hearing before the commission under section 18(g) of this chapter.

(c) The hearing under this section shall be conducted in accordance with IC 4-21.5.

~~(b)~~ **(d) If the commission determines that the proposed precinct establishment order complies with this chapter, the co-directors shall advise the county executive that the order complies with this chapter and may be issued by the county executive."**

Page 29, line 24, delete "circuit court clerk or board of" and insert **"county voter"**.

Page 29, line 24, delete "." and insert **"office."**

Page 30, line 11, reset in roman "of".

Page 30, line 12, reset in roman "ANY party".

Page 30, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 91. IC 3-11-3-22, AS AMENDED BY P.L.221-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a ~~ballot card~~ voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in ~~voting~~ candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must direct inform all voters that a voter:

- (1) who ~~want~~ wants to cast write-in votes to request a write-in ballot from an election official: may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

~~(b)~~ **(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards."**

Page 34, line 15, reset in roman "(f)".

Page 34, line 15, delete "each" and insert "Each".

Page 34, line 15, reset in roman "county shall purchase at".

Page 34, reset in roman lines 16 through 17.

Page 34, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 95. IC 3-11-6.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the secretary of state with the consent of the co-directors of the election division shall, subject to this section, reimburse the county from the fund an amount to be determined by the secretary of state with the consent of the co-directors of the election division.

(b) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

~~(d) This section expires January 1, 2006."~~

Page 34, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 97. IC 3-11-8-22.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.1. (a) **This subsection applies to a voter:**

- (1) whose name does not appear on the poll list for the precinct; and**
- (2) who produces a certificate of error issued under IC 3-7-48-1.**

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and**
- (2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.**

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and**
- (2) who produces a registration receipt that complies with IC 3-7-48-7.**

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a

ballot.

(d) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot."

Page 35, line 1, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 35, line 1, after "Sec. 23." insert "(a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b)".

Page 35, line 2, strike "section 22" and insert "section 22.1".

Page 35, line 23, after "list" insert ",".

Page 35, line 23, strike "and the individual is not entitled to".

Page 35, strike line 24.

Page 35, line 25, strike "IC 3-10-11-2, or IC 3-10-12,".

Page 35, line 37, delete "[EFFECTIVE]".

Page 35, line 38, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 36, line 15, strike "section 22" and insert "section 22.1".

Page 37, line 10, strike "section".

Page 37, line 11, strike "22" and insert "section 22.1".

Page 50, line 23, delete "[EFFECTIVE]".

Page 50, line 24, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 50, line 34, strike "July 1, 2003;" and insert "October 1, 2005;".

Page 50, line 35, strike "July 1, 2003;" and insert "October 1, 2005;".

Page 51, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 119. IC 3-11-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18. Vote Centers

Sec. 1. This chapter applies to a county designated as a vote center pilot county under this chapter.

Sec. 2. The secretary of state may designate a county as a vote center pilot county under this chapter.

Sec. 3. For a county to be designated a vote center pilot county:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of an application to be designated a vote center pilot county;

(2) all members of the board must sign the application; and

(3) the application must be filed with the secretary of state.

Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center, and the municipality, if any, in which the vote center is located.

(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.

(4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):
(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.

Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000) in the municipalities listed in the plan, the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

Sec. 7. Before approving an application to designate a county as a vote center pilot county under this chapter, the secretary of state must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

Sec. 8. The designation of a county as a vote center pilot county takes effect immediately unless otherwise specified by the secretary of state.

Sec. 9. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

Sec. 10. (a) An order issued by a county to:

(1) designate the polls for a precinct or to locate the polls for a precinct at the polls for an adjoining precinct under IC 3-10 or IC 3-11; or

(2) omit precinct election officers under IC 3-6-6-38 at a specified precinct;

is suspended during the period that the voters of that precinct are entitled to cast a ballot at a vote center.

(b) An order suspended under subsection (a) is revived and in full force and effect without further action by a county when the voters of that precinct are no longer entitled to cast a ballot at a vote center under this chapter.

Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan submitted with the application under section 4 of this chapter.

Sec. 12. Notwithstanding any other law, a voter who resides in a vote center pilot county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must be capable of capturing an electronic image of the signature of a voter on the list; and

(2) may be in a format approved by the secretary of state.

Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center pilot county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

Sec. 15. (a) In addition to the precinct election officers appointed under IC 3-6-6, a county election board by the unanimous vote of the entire membership may appoint one (1) or more greeters to:

(1) direct voters entering the vote center to the appropriate location for the voters to sign the electronic poll list; and

(2) provide other instructions to facilitate the efficient movement of individuals within the vote center.

(b) An individual appointed as a greeter under this section must bear credentials issued by the county election board stating the name of the individual and the individual's status as a greeter.

Sec. 16. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct

separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

Sec. 17. (a) The secretary of state may permit a county to amend a plan submitted under section 4 of this chapter.

(b) For a county to amend its plan:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of a request to amend the plan;**
- (2) all members of the board must sign the request; and**
- (3) the request must be filed with the secretary of state.**

(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.

Sec. 18. The designation of a county as a vote center pilot county may be revoked by the secretary of state:

- (1) following the filing of a request for revocation approved by the unanimous vote of the entire membership of the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4) and signed by all members of the board; or**
- (2) upon a determination by the secretary of state that the administration of the vote center pilot program within the county does not comply with:**

- (A) federal or state law; or**
- (B) the plan submitted under section 4 of this chapter.**

Sec. 19. Notwithstanding IC 4-22-2, the secretary of state may adopt guidelines to administer the pilot program under this chapter.

Sec. 20. This chapter expires December 31, 2009.

SECTION 120. IC 3-11.5-4-16, AS AMENDED BY P.L.109-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit by a qualified person in the form required by ~~IC 3-11-8-22~~ **IC 3-11-8-22.1** is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter."

Page 51, line 15, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 51, line 19, strike "not permitted to vote" and insert "challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error".

Page 51, line 19, after "IC 3-7-48-1" delete "," and insert ".".

Page 51, strike lines 20 through 21.

Page 52, between lines 3 and 4, begin a new paragraph and insert: "SECTION 122. IC 3-11.7-5-1, AS AMENDED BY P.L.221-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ~~on the second Monday~~ **ten (10) days** following the election.

SECTION 123. IC 3-11.7-5-1.5, AS ADDED BY P.L.221-2005, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) ~~This section~~ **Subsection (c)** applies to a provisional ballot that ~~the county election board determines, by a majority vote of its members and in accordance with this title:~~

(1) has been marked and cast by a voter in compliance with this title; but

(2) may not otherwise be counted solely as the result of the act or failure to act of an election officer.

(b) Subsection (c) does not apply to either of the following:

(1) A provisional ballot cast by an individual who seeks to vote in an election as the result of a court or other order extending the time established for closing the polls under IC 3-11-8-8 if the county election board determines or is directed under a court or other order that all provisional ballots issued after regular poll closing hours are not to be counted.

(2) A provisional ballot that is required to be rejected by a county election board under section 2(b) of this chapter as the result of information or lack of information provided by a voter registration agency.

~~(b)~~ **(c) The sealed envelope containing a provisional ballot described in subsection (a) shall nevertheless be opened under section 4 of this chapter and the provisional ballot counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.**

~~(c)~~ **(d) Notwithstanding subsection ~~(b)~~ (c), if the county election board, by a majority vote of its members, determines that there is evidence presented to the board demonstrating that the individual who cast the provisional ballot was ineligible to cast a regular ballot in that precinct, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title not to count a provisional ballot, the provisional ballot may not be counted.**

(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the

voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and**
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;**

the provisional ballot shall be counted.

SECTION 124. IC 3-12-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount no later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day. If a petition for a recount is filed for an office for which voters in more than one (1) county vote, a cross-petition for a recount may be filed in a county other than the one in which the first petition was filed."

Page 52, line 5, delete "[EFFECTIVE".

Page 52, line 6, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 52, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 126. IC 3-12-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount with the election division not later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day.

SECTION 127. IC 3-12-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter who desires a recount under this chapter must file a verified petition no later than noon ~~seven (7)~~ **fourteen (14)** days after election day. The petition must be filed:

- (1) in the circuit court of each county in which is located a precinct in which the voter desires a recount; and
- (2) with the election division."

Page 53, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 130. IC 3-14-3-16, AS AMENDED BY P.L.103-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term does not include expressing

- ~~(1)~~ support or opposition to a candidate or a political party or
- ~~(2)~~ expressing approval or disapproval of a public question in:
 - (1) material mailed to a voter; or**
 - (2) a telephone or an electronic communication with a voter.**

(b) A person who knowingly does any electioneering:

- (1) on election day within:
 - (A) the polls; or
 - (B) the chute;
- (2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under IC 3-11-10-26.3 used by an absentee voter board to permit an individual to cast an absentee ballot; or

(3) except for a voter who is:

- (A) the person's spouse;
- (B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or
- (C) a member of the person's household;

in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor."

Page 53, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 132. IC 3-14-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A city.**
- (2) A town.**
- (3) A school corporation.**
- (4) An agency of a governmental entity referred to in any of subdivisions (1) through (3).**

(b) As used in this section, "date of conviction" refers to the date when:

- (1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;**
- (2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor; or**
- (3) in a guilty plea hearing, a person pleads guilty or nolo contendere to a felony or Class A misdemeanor.**

(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

- (1) continue employment with;**
- (2) obtain future employment with;**
- (3) contract with; or**
- (4) be a subcontractor under a contract with;**

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

- (1) employ;**
- (2) offer employment to;**
- (3) contract with; or**
- (4) maintain a contractual relationship when a subcontractor is;**

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

(e) If:

- (1) a person was employed by a governmental entity;**
- (2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;**
- (3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and**
- (4) the person's conviction is reversed, vacated, or set aside;**

the governmental entity shall reemploy the person in the same

position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars (\$1,000) on a person who violates subsection (c)."

Page 54, line 12, after "4." insert "(a)".

Page 54, delete line 16.

Page 54, line 17, reset in roman "to the".

Page 54, line 17, after "board of" insert "county voter".

Page 54, line 17, reset in roman "registration".

Page 54, line 17, after "registration" insert "office".

Page 54, line 17, reset in roman "of the county".

Page 54, reset in roman line 18.

Page 54, line 19, reset in roman "application) is".

Page 54, line 19, delete "located;" and insert "located.".

Page 54, between lines 21 and 22, begin a new paragraph and insert:

"(b) The voter registration application shall be transmitted to the county voter registration office in an electronic format and on an expedited basis (as defined by IC 3-5-2-23.2) using the computerized list established under IC 3-7-26.3. The paper copy of the application shall be transmitted under subsection (a) to the county voter registration office not later than five (5) days after the application is accepted at the license branch.

SECTION 136. IC 9-24-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 6. A manager or an employee may use any of the following methods to transmit **paper copies of** voter registration applications under section 4 ~~or 5~~ of this chapter:

(1) Hand delivery to the ~~circuit court clerk or board of county~~ **voter registration office**.

(2) Certified mail, return receipt requested.

SECTION 137. IC 9-24-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 7. If a manager or an employee transmits **paper copies of** registration applications by hand delivery under section 6(1) of this chapter, the ~~circuit court clerk or board of county voter~~ **registration office** shall provide the manager or employee with a receipt for the forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms."

Page 55, delete lines 30 through 32, begin a new paragraph and insert:

"SECTION 140. IC 3-11-8-22 IS REPEALED [EFFECTIVE UPON PASSAGE]."

Page 55, line 39, delete "IC 3-11-6.5-5;".

Page 55, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 142. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) Notwithstanding IC 3-7 or IC 9-24-2.5, both as amended by this act, a county voter registration office shall process a voter registration application transmitted in electronic format from a license branch under IC 9-24-2.5 and is not required to receive the paper copy of the application from the license branch before approving or denying the application and mailing a notice of approval or denial to the applicant. The county voter registration office shall optically scan the voter's signature set forth on the paper copy of the application and attach the scanned image to the registration record of the voter in the manner permitted by the computerized list.

(c) This SECTION expires July 1, 2006."

Page 56, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 145. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) The secretary of state may designate up to three (3) counties as vote center pilot counties under IC 3-11-18, as added by this act. If the designation of a county as a vote center pilot county is revoked in accordance with IC 3-11-18, as added by this act, the secretary of state may designate a replacement county as a vote center pilot county.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18, as added by this act, not later than August 1, 2006.

(d) The secretary of state shall act in accordance with IC 3-11-18, as added by this act, and this SECTION to designate a county as a vote center pilot county not later than October 1, 2006.

(e) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1011 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1138, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "There".

Page 2, delete lines 2 through 3.

Page 4, after line 41, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]

(a) In addition to any other appropriations to the department of natural resources, there is appropriated to the department of natural resources ten million dollars (\$10,000,000) from the lifetime hunting, fishing, and trapping license trust fund for its use in carrying out the purposes of IC 14-22-4-6, as amended by this act, beginning July 1, 2005 and ending July 1, 2007. Any part of the appropriation not expended or encumbered on June 30, 2006, continues to be available for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

(b) This SECTION expires July 1, 2007.

SECTION 6. An emergency is declared for this act."

(Reference is to HB 1138 as printed January 26, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

WEATHERWAX, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 38

House Concurrent Resolution 38, sponsored by Senator Landske:

A CONCURRENT RESOLUTION honoring the South Newton High School 4-H soil judging team.

Whereas, Rob Hays, Lauren Walker, Ean Donohue, Ryan Hancock, and Andy Thomas brought a national championship soil judging title back to South Newton High School;

Whereas, The South Newton High School team earned the right to compete at the national competition when it placed fourth at the Indiana state contest;

Whereas, Students on the team determine six physical characteristics of soil at each of four pits, including texture-surface and subsurface, depth of soil, slope, erosion, permeability, and surface runoff and must recommend vegetative and mechanical treatments as well as fertilizer and soil amendments; and

Whereas, Agriculture is a staple of the economy of Indiana; it is vital to our economic welfare that we educate our young people in this area: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members of the South Newton High School 4-H soil judging team on the member's victory in the national competition and wishes them success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Rob Hays, Lauren Walker, Ean Donahue, Ryan Hancock, and Andy Thomas, agriculture teacher Darrell Allen, the principal of South Newton High School, and the superintendent of the school corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 10

Senate Resolution 10, introduced by Senator Lubbers:

A SENATE RESOLUTION to commend the Indiana Career and Technical Education system and recipients of the 2006 Indiana Career and Technical Education Awards for Excellence.

Whereas, The Indiana Commission for Career and Technical Education, in cooperation with the Indiana Career and Technical Education Association, sponsor the Indiana Career and Technical Education Awards for Excellence Program;

Whereas, The Program, which was introduced in 1984, recognizes excellence in four categories: students, programs, guidance/career services, and active partnerships that contribute to high quality career and technical education in Indiana;

Whereas, In a highly competitive selection process, the Award recipients are chosen from statewide nominations by a committee of career-technical educators and private sector representatives. Award recipients are recognized at a Luncheon and Ceremony during National Career and Technical Education Week during the second full week in February each year;

Whereas, The 2006 Awards for Excellence recipients are as follows:

Students

Secondary:

- Brian Blume– Area 31 Career Center: IT Media
- Alison Burkett– Elkhart Area Career Center: Advertising Design
- Heather Dilling– New Castle Area Career Programs: Health Occupations
- Kristan Hoblit– New Castle Area Career Programs: Health Occupations
- Amy Louvier– Elkhart Area Career Center: Culinary Arts
- Jennifer Maberto– McKenzie Career Center: A+/Net + Certified
- Bradley Nowak– Elkhart Area Career Center: Computer Electronics/ Networking
- Gregory Pratt– C.A. Prosser School of Technology: Precision Machining
- Raul Ramirez– Patoka Valley Vocational Cooperative: Health Sciences
- Jason Roth– Elkhart Area Career Center: Computer Aided Drafting
- Lisa Whitworth– Porter County Career and Technical Education: Medical Terminology/Anatomy-Physiology

Postsecondary:

- Weston Blankenberger– Vincennes University: Broadcasting
- Cynthia Boyd– Ivy Tech Community College-Gary: Computer Information Systems/Office Administration
- Vicki Crandell– Ivy Tech Community College-Evansville: Early Childhood Education
- Vickie Davis– Vincennes University: Administrative Office Technology
- Ashley Johnson– Vincennes University: Administrative Office Technology
- Charles Lynch– Ivy Tech Community College-Columbus: Design CAD/CAM
- Wael Mekhimar– Vincennes University: Webmaster
- Michael Nice– Vincennes University: Broadcasting
- Todd Overbeck– Vincennes University: Aviation Maintenance Technology
- Angie Veach– Ivy Tech Community College-Logansport: Computer Information Systems

Programs**Secondary:**

- Modern Machining Technology, Porter County Career and Technical Education Center
- Project Lead The Way (PLTW) Pre-engineering Program, Kokomo Area Career Center
- Pike Central Welding Program, Patoka Valley Vocational Cooperative

Postsecondary:

- Automotive Services, Ivy Tech Community College-Terre Haute
- Computer Integrated Manufacturing, Vincennes University
- Early Childhood Education, Ivy Tech Community College-Kokomo

Guidance/Career Services

- Nontraditional Employment for Women (N.E.W.) Workshop, Wawasee Area Career & Technical Cooperative

Active Partnerships

- Columbus Regional Hospital Program
- Montgomery County Instructional Center Community Partnership
- Volunteer Income Tax Assistance (VITA) Program
- Haas Technical Education Center (HTEC)

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate commends the Indiana Career and Technical Education System and congratulates all recipients of the 2006 Indiana Career and Technical Education Awards for Excellence for their outstanding achievements.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Marnia Kennon, Chair of the Indiana Commission on Career and Technical Education (ICCTE), and to each recipient of the 2006 Indiana Career and Technical Education Awards for Excellence.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 38 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 13, 16, and 29 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING**Senate Concurrent Resolution 18**

Senator Lewis called up Senate Concurrent Resolution 18 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bottorff, Saunders, and Goodin.

**ENGROSSED HOUSE BILLS
ON SECOND READING****Engrossed House Bill 1150**

Senator Kruse called up Engrossed House Bill 1150 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1150-1)

Madam President: I move that Engrossed House Bill 1150 be amended to read as follows:

Page 5, line 35, delete "A" and insert "**Subject to subsection (c), a**".

Page 5, line 35, delete ":".

Page 5, line 36, strike "(1)".

Page 5, line 36, strike "of embossed steel; and".

Page 5, line 37, strike "(2) painted a cream color." and insert "**according to the bureau's specifications.**".

Page 5, line 38, strike "The lettering imprinted on".

Page 5, line 38, delete "a" and insert "A".

Page 5, strike line 40.

Page 5, line 41, strike "(2)" and insert "**(1)**".

Page 6, line 3, strike "(3)" and insert "**(2)**".

(Reference is to EHB 1150 as printed February 10, 2006.)

BECKER

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING****Engrossed House Bill 1049**

Senator M. Young called up Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1103

Senator Steele called up Engrossed House Bill 1103 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1107

Senator Becker called up Engrossed House Bill 1107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1207

Senator Wyss called up Engrossed House Bill 1207 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1238

Senator Wyss called up Engrossed House Bill 1238 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1249

Senator Kruse called up Engrossed House Bill 1249 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1280

Senator Ford called up Engrossed House Bill 1280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1353

Senator Bray called up Engrossed House Bill 1353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1176.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1396.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1280.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1339.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as cosponsor of Engrossed House Bill 1025.

DROZDA

Motion prevailed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that subsequent to the adoption of the Natural Resources Committee Report on February 14, 2006, Engrossed House Bill 1138 was reassigned to the Committee on Appropriations.

GARTON

Report adopted.

SENATE MOTION

Madam President: I move that Senator Howard be added as cosponsor of Engrossed House Bill 1238.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 16, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 2:27 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate